

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No. 15715 of 1998

Smt. Siddalingamma
W/o Hanumareddappa
Age: Major
Occ: Agriculture
R/o Veerupapur
Taluk Sindhanur
Dist. Raichur

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.. PETITIONER

(By Sri Basavaraj Kareddy, Advocate)

- Vs -

1. Iyyanna dead by L.R.

Smt. Amaranna
W/o Iyyanna
Age: Major, Occ: Household
R/o Veerupapur
Taluk: Sindhnur

2. Revenue Inspector

Veerupapur
Taluk: Sindhnur

3. Assistant Commissioner
Lingsugur, at Lingsugur
Dist. Raichur

.. RESPONDENTS

(By Sri N.P.Singri, HCGP)

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This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to quash vide Annexure-C dated 4.5.98 by R3 and etc.

This petition coming on for preliminary hearing this day, the Court made the following:-

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O R D E R

Sri N.P.Singri, learned Government Pleader is directed to take notice for respondents-2 and 3.

2. The petitioner in this petition has called in question the correctness of the order dated 4th May 1998, a copy of which has been produced as Annexure-C, wherein the 3rd respondent has set aside the entry made by the 2nd respondent showing the name of the petitioner.

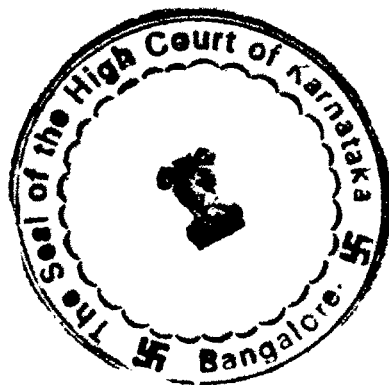
3. It is not in dispute that the respondent Smt. Amaranna is the wife of one Iyyanna and the petitioner is the daughter of the brother of the said Iyyanna. The said Iyyanna appears to have died issueless. The petitioner claims rights in respect of the lands in question on the basis of a gift deed executed by the said Iyyanna in favour of the petitioner. The validity of the gift deed is in serious dispute between the petitioner and the 1st respondent. The 1st respondent is the natural heir of the said Iyyanna. Under these circumstances, I do not



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find any justification to interfere against the order impugned as the rights of the parties can be legitimately adjudicated upon before the civil court. All the contentions urged by the learned counsel appearing for the parties on the merits of the claim are left open to be urged before the civil court. Accordingly, this petition is dismissed subject to the observation made above.

4. Sri N.P.Singri, learned Government Pleader is given four weeks' time to file his memo of appearance.



pmg/

Sd/-
JUDGE